IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION LODGING NO.2189 OF 2006**

Amar D. Parsekar.....Petitioner

Vs.

University of Mumbai & Ors...Respondents

Mr. I.A. Sayed, for the Petitioner.

Mr. K.R. Belosey, Govt. Pleader for Respondent No.5.

Mr. Rui Rodrigus for the Respondent No.1.

Mr. Atul Damle, for the Respondent No.2.

Mr. Nitin Jamdar, for the Respondent No.3.

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA**, JJ.**

DATE: 10TH OCTOBER,2006

P.C.

. As per the Ordinance O.5077 a candidate who has appeared for eligibility has to have a minimum of 40% of marks to be admitted to the 3 year LL.B. degree course. The petitioner has only 39.72% of marks. In terms of the Ordinance as it stands, therefore, the petitioner could not be admitted.

2. However, the learned Counsel places on record the communication dated 27th September, 2006 signed by one M.D. Joshi, Joint Secretary of the Bar Council of India setting out that the Legal Education Committee at its meeting held on 20th June, 1988 has

taken a decision that 0.5% marks and above in the qualifying examination can be rounded off to 1% and if the percentage is below 0.5% it has to be ignored in the matter of determination of percentage of marks for admission of law course. Learned Counsel points out that University of Mumbai is in the process of amending this Ordinance. Counsel for the Mumbai University is not in a position to make any statement. Similarly, Counsel appearing for Bar Council of India states that he is unaware of the communication dated 27th September, 2006. Whatever be the position at any rate as the position stands today no mandamus can be issued directing admission of the petitioner. If and when the Ordinance is amended it will be open to the petitioner, if eligible to apply for admission. With the above observation petition stands disposed of.

**(F.I. REBELLO, J)**

**(ANOOP V. MOHTA,J).**